## APPENDIX

Emergency Price Control Act of 1942, c. 26, 56 Stat. 23, 50 U. S. C. App., Supp. II § 901 *et seq.*

SEC. 2. * * *

(g) Regulations, orders, and requirements under this Act may contain such provisions as the Administrator deems necessary to prevent the circumvention or evasion thereof.

(h) The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, except to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this Act.

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SEC. 4. (a) It shall be unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2, or of any price schedule effective in accordance with the provisions of section 206, or of any regulation, order, or requirement under section 202 (b) or section 205 (f), or to offer, solicit, attempt, or agree to do any of the foregoing.

* * * * *

SEC. 205. (a) Whenever in the judgment of the Administrator any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 4 of this Act, he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Administrator that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

## TABLES

TABLE A.—*Shipment weights—December 31, 1941*

| Name of bar | Carton gross average wgt. (lbs.) | Carton net average wgt. (lbs.) | Bar net average wgt. (oz.) |
|---|---|---|---|
| Milky Way | 62.5 | 57.718 | 3.20656 |
| Snickers | 62.5 | 57.718 | 3.20656 |
| Three Musketeers | 66. | 59.687 | 3.31594 |
| Mars | 39. | 32.97 | 1.83167 |
| Forever Yours | 61.5 | 55.124 | 3.06244 |
| Dr. I. Q | 46.5 | 40.47 | 2.24833 |
| | (Sources: Plf's Ex. 29 Tr. 743 *et seq.*) | (Paper wgts. from Ex. 14, Tr. 512, subtracted from first column.) | (Col. 2 divided by 288 bars per carton — and converted to ounces.) |

TABLE B.—*Shipment weights—January 8, 1942*

| Name of bar | New weights shipped—January 8, 1942 | | | Reduction effected by this change | | |
|---|---|---|---|---|---|---|
| | Carton gross average wgt. (lbs.) | Carton net average wgt. (lbs.) | Bar (average) net weight (oz.) | Decrease per net carton (lbs.) | Net decrease per bar (oz.) | Percent of decrease below former wgt. |
| Milky Way | 58.5 | 53.718 | 2.98433 | 4. | 0.22223 | 6.93 |
| Snickers | 59. | 54.218 | 3.01211 | 3.5 | .18945 | 5.92 |
| Three Musketeers | 61.5 | 55.178 | 3.06544 | 4.51 | .25050 | 7.55 |
| Mars | 39. | 32.97 | 1.83167 | 0.00 | .00000 | 0.00 |
| Forever Yours | 57.5 | 51.124 | 2.84022 | 4. | .22222 | 7.26 |
| Dr. I. Q. | 43.5 | 39.324 | 2.18467 | 1.15 | .06366 | 2.83 |
| | (Sources: Plf's Ex. 30, Tr. 749, *et seq.*) | (Paper weight from Plf.'s Ex. 14, Tr. 512, subtracted from first column.) | (Col. 2 divided by 288 bars per carton and converted to ounces.) | | | |

TABLE C.—*Shipment weights—January 21, 1942*

| Name of bar | New weights shipped—January 21, 1942 | | | Reduction effected by this change | | | |
|---|---|---|---|---|---|---|---|
| | Carton gross average wgt. (lbs.) | Carton net average wgt. (lbs.) | Bar (average) net weight (oz.) | Decrease per net carton (lbs.) | Net decrease per bar (oz.) | Percent of decrease | Total percent of decrease since Dec. 31, 1941 |
| Milky Way | 55. | 50.218 | 2.78989 | 3.5 | 0.19444 | 6.52 | 12.99 |
| Snickers | 55. | 50.218 | 2.78989 | 4. | .22222 | 7.38 | 12.99 |
| Three Musketeers | 55.5 | 49.178 | 2.73211 | 6. | .33333 | 10.87 | 17.61 |
| Mars | 36.5 | 32.324 | 1.79578 | 0.65 | .03589 | 1.96 | 1.96 |
| Forever Yours | 54.5 | 49.718 | 2.76211 | 1.41 | .07811 | 2.75 | 9.80 |
| Dr. I. Q. | 43.5 | 39.324 | 2.18467 | 0.00 | .00000 | 0.00 | 2.83 |
| | (Sources: Plf's Ex. 31, Tr. 752, *et seq.* Weights shown to be in effect on January 21, 1942 by Plf's Ex. 1, Tr. 477, 478, 481, 482) | (Paper weights from Plf's Ex. 14, Tr. 512, subtracted from first column) | (Col. 2 divided by 288 bars per carton and converted to ounces) | | | | (See Table A.) |

TABLE D.—*Shipment weights in effect throughout month of March, 1942*

| Name of bar | Carton gross average wgt. (lbs.) | Carton net average wgt. (lbs.) | Bar (average) net wgt. (oz.) | Total percentage decrease since Dec. 31, 1941 |
|---|---|---|---|---|
| Milky Way | 55 | 50.218 | 2.78989 | 12.99 |
| Snickers | 55 | 50.218 | 2.78989 | 12.99 |
| Three Musketeers | 55.5 | 49.178 | 2.73211 | 17.61 |
| Mars | 36.5 | 32.324 | 1.79578 | 1.96 |
| Forever Yours | 54.5 | 49.718 | 2.76211 | 9.80 |
| Dr. I. Q | 43.5 | 39.324 | 2.18467 | 2.83 |
| | (Sources: Pif's Ex. 31, Tr. 752 *et seq.*) | (Paper weights from Ex. 14, Trans. 512 subtracted from first column.) | (Col. 2 divided by 288 bars per carton and converted to ounces.) | (See Table A.) |

NOTE.—The March weights here shown had been in effect since January (see Table C).

TABLE E.—*Shipment weights—April 1, 1942*

| Name of bar | New weights shipped—April 1, 1942 | | | Reduction effected by this change | | | |
|---|---|---|---|---|---|---|---|
| | Carton, gross average wgt. (lbs.) | Carton, net average wgt. (lbs.) | Bar, net average wgt. (oz.) | Decrease per net carton (lbs.) | Net decrease per bar (oz.) | Percent of decrease below Dec. 31, 1941 | Percent of decrease below March wgt. |
| Milky Way | 53 | 48.218 | 2.67877 | 2.00 | 0.11111 | 16.46 | 3.98 |
| Snickers | 53.5 | 48.718 | 2.70656 | 1.50 | .08333 | 15.59 | 2.99 |
| Three Musketeers | 54.5 | 48.178 | 2.67656 | 1.00 | .05550 | 19.28 | 2.03 |
| Mars | 35 | 30.824 | 1.71244 | 1.50 | .08333 | 6.50 | 4.64 |
| Forever Yours | 53 | 48.218 | 2.67877 | 1.50 | .08341 | 12.53 | 3.02 |
| Dr. I. Q | 41.75 | 37.73 | 2.09611 | 1.60 | .08856 | 6.78 | 4.05 |
| | (Source: Pif's Ex. 32 Tr. 771 *et seq.*) | (Paper weight from Ex. 14, Tr. 512 subtracted from first column) | (Column 2 divided by 288 bars per carton and converted to oz.) | | | (See Table A) | (See Table D) |

TABLE F.—*Shipment weights—May 1, 1942*

| Name of bar | New weights shipped—May 1, 1942 | | | Reduction effected by this change | | | | |
|---|---|---|---|---|---|---|---|---|
| | Carton gross average wgt. (lbs.) | Carton net average wgt. (lbs.) | Bar net average wgt. (oz.) | Decrease per net carton (lbs.) | Net decrease per bar (oz.) | Percent of decrease below former wgt. | Percent of decrease below Dec. 31, 1941 | Percent of decrease below March wgt. |
| Milky Way | 50 | 45.52 | 2.52889 | 2.70 | 0.14988 | 5.60 | 21.13 | 9.36 |
| Snickers | 48.25 | 43.77 | 2.43167 | 4.95 | .27489 | 10.16 | 24.17 | 12.84 |
| Three Musketeers | 51.25 | 45.77 | 2.54278 | 2.41 | .13378 | 5.00 | 23.32 | 6.92 |
| Mars | 34.5 | 30.48 | 1.69333 | .34 | .01911 | 1.11 | 7.61 | 5.70 |
| Forever Yours | 50.25 | 45.706 | 2.53922 | 2.51 | .13955 | 5.20 | 17.09 | 8.07 |
| Dr. I. Q | 40.75 | 36.73 | 2.04056 | 1.00 | .05555 | 2.65 | 9 24 | 6.60 |
| | (Source: Plf's Ex. 34—Tr. 797 *et seq.*) | (Paper weight from Plf's Ex. 14, Tr. 512 subcontracted from first column) | (Column 2 divided by 288 bars per carton and converted to oz.) | | | | (See Table A) | (See Table D) |

TABLE G.—*Shipment weights—May 11, 1942, to December 16, 1942, compared with base period weights—March 1942 as shown by Administrator's proofs*

| Col. 1 | Col. 2 | Col. 3 | Col. 4 | | Col. 5 | Col. 6 | | Col. 7 | Col. 8 | Col. 9 | Col. 10 | Col. 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of bar | Date | Total avg. wgt. per carton (lbs.) | Source of col. 3 | | Total avg. paper wgt. per carton (lbs.) | Source of col. 5 | | Avg. net candy wgt. per carton col. 3 less col. 5 (lbs.) | Avg. net candy wgt. per bar col. 7 divided by 288 bars per ctn. and converted to oz. (oz.) | Net avg. wgt. increase or decrease per carton from base (+) or (−) (lbs.) | Net avg. wgt. increase or decrease per bar from base (+) or (−) (oz.) | Petg. of increase or decrease from base (+) or (−) |
| | | | Ex. No. | Tr. pp. | | Ex. No. | Tr. pp. | | | | | |
| Milky Way | Mar. 1-31, 1942 | 55 | 31 | 752 et seq. | 4.782 | 14, 16 | 512, 522 | 50.218 | 2.78989 | | | |
| | May 11, 1942 | 50 | 34 | 806 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −4.70 | −0.26100 | −9.36 |
| | May 12, 1942, low [1] | 50 | 34 | 825 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −4.70 | −.26100 | −9.36 |
| | May 12, 1942, high [1] | 51.5 | 34 | 823 et seq. | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −3.20 | −.17767 | −6.37 |
| | May 13, 1942, low | 50. | 34 | 831 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −4.70 | −.26100 | −9.36 |
| | May 13, 1942, high | 51.5 | 34 | 833 et seq. | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −3.20 | −.17767 | −6.37 |
| | May 14, 1942, low | 50. | 34 | 876 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −4.70 | −.26100 | −9.36 |
| | May 14, 1942, high | 51.5 | 34 | 885 | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −3.20 | −.17767 | −6.37 |
| | May 28, 1942 | 51.5 | 36 | 886 | 4.76 | 14, 16 | 512, 522 | 46.74 | 2.59667 | −3.48 | −.19322 | −6.93 |
| | July 3, 1942 | 51.5 | 36 | 887 et seq. | 4.76 | 14, 16 | 512, 522 | 46.74 | 2.59667 | −3.48 | −.19322 | −6.93 |
| | Aug. 1, 1942 | 51.5 | 39 | 900 | 4.76 | 14, 16 | 515, 522 | 46.74 | 2.59667 | −3.48 | −.19322 | −6.93 |
| | Aug. 5, 1942 | 51.5 | 39 | 901 et seq. | 4.76 | 14, 16 | 515, 522 | 46.74 | 2.59667 | −3.48 | −.19322 | −6.93 |
| | Aug. 5, 1942 | 53.5 | 39 | 902 et seq. | 4.76 | 14, 16 | 515, 522 | 48.74 | 2.70778 | −1.48 | −.08211 | −2.94 |
| | Nov. 9, 1942 | 53 | 38 | 892 et seq. | 4.47 | 14, 16 | 520, 522 | 48.53 | 2.69611 | −1.69 | −.09378 | −3.36 |
| | Dec. 4, 1942 | 53 | 38 | 897 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | −1.69 | −.09378 | −3.36 |
| | Dec. 14, 1942 | 53 | 39 | 903 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | −1.69 | −.09378 | −3.36 |
| | Dec. 15, 1942 | 53 | 39 | 906 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | −1.69 | −.09378 | −3.36 |
| | Dec. 16, 1942 | 53 | 39 | 908 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | −1.69 | −.09378 | −3.36 |

[1] The product was shipped at two weights on the days immediately following May 11, 1942.

TABLE H.—*Shipment weights May 11, 1942, to December 16, 1942, compared with March 31, 1942, shipment weights alleged by Mars, Incorporated*

| Col. 1 | Col. 2 | Col. 3 | Col. 4 | | Col. 5 | Col. 6 | | Col. 7 | Col. 8 | Col. 9 | Col. 10 | Col. 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Source of col. 3 | | | Source of col. 5 | | | | | | |
| Name of bar | Date | Total avg. wgt. per carton (lbs.) | Ex. No. | Tr. pp. | Total avg. paper wgt. per carton (lbs.) | Ex. No. | Tr. pp. | Avg. net candy wgt. per carton col. 3 less col. 5 (lbs.) | Avg. net candy wgt. per bar col. 7 divided by 288 bars per ctn. and converted to oz. (oz.) | Net avg. wgt. increase or decrease per carton from base (+)or (−) (lbs.) | Net avg. wgt. increase or decrease per bar from base (+) or (−) (oz.) | Percentage of increase or decrease from base (+) or (−) |
| Milky Way | Mar. 31, 1942 | 53 | 5 | 485 et seq. | 4.782 | 14, 16 | 512, 522 | 48.218 | 2.67878 | | | |
| | May 11 | 50 | 34 | 806 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −2.70 | −0.14989 | −5.60 |
| | May 12 Low | 50 | 34 | 825 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −2.70 | −.14989 | −5.60 |
| | May 12 High | 51.5 | 34 | 823 et seq. | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −1.20 | −.06656 | −2.49 |
| | May 13 Low | 50 | 34 | 831 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −2.70 | −.14989 | −5.60 |
| | May 13 High | 51.5 | 34 | 833 et seq. | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −1.20 | −.06656 | −2.49 |
| | May 14 Low | 50 | 34 | 876 et seq. | 4.48 | 14, 16 | 512, 522 | 45.52 | 2.52889 | −2.70 | −.14989 | −5.60 |
| | May 14 High | 51.5 | 34 | 885 | 4.48 | 14, 16 | 512, 522 | 47.02 | 2.61222 | −1.20 | −.06656 | −2.49 |
| | May 28 | 51.5 | 36 | 886 | 4.76 | 14, 16 | 512, 522 | 46.74 | 2.59667 | −1.48 | −.08211 | −3.07 |
| | July 3 | 51.5 | 39 | 887 et seq. | 4.76 | 14, 16 | 512, 522 | 46.74 | 2.59667 | −1.48 | −.08211 | −3.07 |
| | Aug. 1 | 51.5 | 39 | 900 et seq. | 4.76 | 14, 16 | 515, 522 | 46.74 | 2.59667 | −1.48 | −.08211 | −3.07 |
| | Aug. 5 | 51.5 | 39 | 901 et seq. | 4.76 | 14, 16 | 515, 522 | 46.74 | 2.59667 | −1.48 | −.08211 | −3 07 |
| | Aug. 5 | 53.5 | 38 | 902 et seq. | 4.76 | 14, 16 | 515, 522 | 48.74 | 2.70778 | +.52 | +.02900 | +1.08 |
| | Nov. 9 | 53 | 38 | 892 et seq. | 4.47 | 14, 16 | 520, 522 | 48.53 | 2.69611 | +.31 | +.01733 | +.65 |
| | Dec. 4 | 53 | 38 | 897 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | +.31 | +.01733 | +.65 |
| | Dec. 14 | 53 | 39 | 903 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | +.31 | +.01733 | +.65 |
| | Dec. 15 | 53 | 39 | 906 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | +.31 | +.01733 | +.65 |
| | Dec. 16 | 53 | 39 | 908 et seq. | 4.47 | 14, 16 | 517, 522 | 48.53 | 2.69611 | +.31 | +.01733 | +.65 |



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